Lawes and Ordinances OF VVARRE,

Eſtabliſhed for the good Conduct of THE

ARMY

BY

COLONELL MICHAEL IONES

Commander in Chief of all the Forces in the Province of *Leinſter*, and the reſt of the Garriſons late in the power of the Lord of ORMONDE.

DVBLIN,

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Laws and Ordinances

OF

WAR,

Established for the good Conduct of the

ARMY

TO all the Officers of the Army, Colonells, Lieutenant-Colonells, Serjeant-Majors, Captaines, other Officers and Souldiers of Horſe and Foot, and all others whom theſe Lawes and Ordinances ſhall concerne.

WHich Lawes *and* Ordinances *hereby publiſhed, all the ſaid Perſons reſpectively and ſeverally, are Required and Commanded to obſerve and keepe, on the Paines and Penalties therein expreſſed.*

¶ Lawes and Ordinances OF WARRE.

Of Duties to GOD.

I.

Blaſphemy.

FIrſt, Let no man preſume to Blaſpheme the holy and bleſſed Trinity; God the Father, God the Sonne, and God the Holy-Ghoſt; nor the knowne Articles of our Chriſtian Faith; Vpon paine to have his Tongue boared with a red hot iron.

II.

Curſing.

Vnlawfull Oathes and Execrations, and ſcandalous acts in derrogation of Gods honour, ſhall be punniſhed with loſſe of pay, and other punniſhment at diſcretion.

III.

Neglecting Divine Worſhip.

All thoſe who often and wilfully abſent themſelves from Sermons and publike Prayer, ſhall be proceeded againſt at diſcretion: And all ſuch who ſhall violate places of publike worſhip, ſhall undergo ſevere cenſure.

Of Duties in generall.

I.

Intelligence with the Enemy.

ALL ſuch as ſhall practiſe and entertaine intelligence with the Enemy, by any manner of meanes or flights, or have any communication with them,

them, without direction from the Commander in in Chief, ſhall be puniſhed as Traitors and Rebells.

II.

No man ſhall relieve the Enemy with Money, Victualls, Ammunition, neither harbour or receive any ſuch, upon paine of death. Relief of the Enemy.

III.

Whoſoever yeeldeth up any Towne, Fort, Magazine, Victualls, Armes, Ammunition, or that motioneth any ſuch thing, but upon extremity, and that to the Governor, or in councell, ſhall be executed as a Traitor. Yielding up of Forts.

IIII.

Whoſoever ſhall be convicted to doe his Duty negligently and carleſly, ſhall be puniſhed at diſcretion. Careleſſe ſervice.

V.

Whoſoever ſhall preſume to violate a Saveguard, ſhall die without mercy. Violating of a ſafeguard.

Of Duties toward Superiours and Commanders.

I.

VVHoſoever ſhall uſe any words tending to the death of the Commander in Chief, ſhall be puniſhed with death. Violating of the cõmander in Chief.

II.

No man ſhall preſume to quarrell with his ſuperiour Officer upon paine of caſheering, and arbitrarie puniſhment, nor to ſtrike any ſuch upon paine of death. Quarrelling with Officers

III.

No Souldier ſhall depart from his Captaine, nor ſervant from his Maſter without licence, though he ſerve ſtill in the Army upon paine of death. Departing from Captains & Maſters.

IIII.

Silence in the Army. Every private man and Souldier upon paine of imprisonment shall keepe silence, when the Army is to take lodging, or when it is marching, or imbattallio, so as the Officers may be heard and their commandements executed.

V.

Resisting against Correction. No man shall resist, draw, lift, or offer to draw or lift his weapon against any Officer correcting him orderly for his offence upon paine of death.

VI.

Vnlawfull Assemblies. No person shall make any mutenous assemblies, or be present or assisting thereunto, or in, or by them demand their pay, upon paine of death.

VII.

Resisting of the Provost Martiall. No man shall resist the Provost marshall or any other Officer in the execution of his Office, or breake prison upon paine of death.

VIII.

Seditious words. None shall utter any words of sedition and uproare, or mutenie, upon paine of death.

IX.

Concealing of mutenous speeches. A heavie punishment shall be inflicted upon them who after they have heard mutenous speeches, acquaint not their Commanders with them.

X

Receiving of Injuries. Whosoever shall receive an injurie, and shall take his owne satisfaction, shall be punished by imprisonment, and as it shall be thought fit by the Marshall-Court; but he that is injured shall be bound if he doe not forgive the injury, to seeke reparation by complaint to his Captaine, or Colonell, or other

ſuperiour Officer, and it ſhall be given him in ample manner.

Of Duties Morall.

I.

DRunkennes in an Officer ſhall be puniſhed with loſſe of place, in a Common ſouldier with ſuch penalties as a Court-marſhall ſhall thinke fit. Drunkenneſſe.

II.

Rapes, raviſhments, unnaturall abuſes ſhall be puniſhed with death. Vnnaturall abuſes.

III.

Adultery, fornication, and other diſſolute laſciviouſneſſe ſhall be puniſhed with diſcretion according to the quality of the offence. Adultery.

IV.

Theft & robbery exceeding the value of twelvepence, ſhall be puniſhed with death. Theft.

V.

No man ſhall uſe reproachfull nor provokeing words or acts to any, upon paine of impriſonment, and further puniſhment as ſhall be thought fit to be inflicted upon enemies to diſcipline and ſervice. Provocation.

VI.

No man ſhall take or ſpoile the goods of him that dieth or is killed in ſervice, upon paine of reſtoring double the value, and arbitrary puniſhment. Seizing upon dead mens goods.

VII.

Murther ſhall be expiated with the death of the Murtherer. Murther.

Of a Souldiers duty touching his Armes.

1.

Full Armour. ALL Souldiers comming to their Collours to watch or be exerciſed, ſhall come fully Armed upon paine of ſevere correction.

2.

Slovenly Armour. None ſhall preſume to appeare with their Armes unfixt or undecently kept, upon paine of Arbitrary Correction.

3.

Loſing of horſes and Armes. If a Trooper ſhall loſe his Horſe or Hackney, or a footeman any part of his Armes by negligence or lewdneſſe, by dice or cards, he or they ſhall remaine in quality of pioners & ſcavengers till they be furniſhed with as good as were loſt, at their own charge.

4.

Pawning or ſelling of Armour. No Souldier ſhall give to pawne or ſell his armour upon paine of impriſonment, and puniſhment at diſcretion, and whereſoever any armour ſhall be found ſo ſold or pawned, they ſhall be brought againe into the Army.

5.

Wilfull ſpoyling of horſes. If a Trooper ſhall ſpoile his horſe willingly of Purpoſe to be Rid of the ſervice, he ſhall loſe his horſe and remaine in the Camp for a Pioner.

6.

Borrowed Armes. If one borrowes armes of another to paſſe the Muſter withall, the borrower ſhall be rigorouſly puniſhed, and the lender ſhall forfeit his goods.

7.

Imbezelling of Ammunition. None ſhall preſume to ſpoile, ſell, or carry away any ammunition delivered unto him, upon paine of death.

Of Duty in Marching.

1.

NOne on their march, thorow the countries shall waste, spoile, or extort any victualls, mony, or pawn, from any good Subject or protected person upon any Pretence of want whatsoever, upon paine of death. Waste and extortion.

2.

No Souldier shall presume upon no occasion whatsoever to take a horse out of the Plough, or to wrong the Protected husbandmen in their persons, or cattell, or goods, upon paine of death. Taking of horses out of the Plough.

3.

No Souldier either horse or foote shall presume in marching to straggle from his Troope or Company, or to march out of his rank, upon pain of death. Straggling from the Colours.

4.

No Souldier shall presume in marching or lodging, to cut downe any fruit-trees, or to deface or spoil walkes of trees belonging to any good Subject or Protected Person, upon pain of severe punishment. Spoiling of trees.

Of Duties in the Camp, and Garrison.

1.

NO man shall depart a mile out of the Army or Camp without licence, upon paine of death. Going from the Camp.

2.

No man shall enter or goe out of the Army or garrison but by ordinary waies, upon Pain of death. Going in or out by-wayes.

3.

No man shall presume to draw his sword without order, after the watch is set, upon paine of death. Drawing of swords after setting the watch.

Giving a false Alarm.

4. No man shall give a false Alarme, or discharge a Piece in the night, or make any noise without lawfull cause, upon paine of death.

Drawing swords in a quarrell.

5. No man shall draw any sword in a private quarrel within the Camp or Garrison upon paine of death.

Revealing the Watchword.

6. He that makes known the watch word without Order, or gives any other word but what is given by the Officer, shall dye for it.

Offering violence to Victuallers.

7. No man shall doe violence to any that bring victuals to the Camp upon paine of death.

Speaking with the Enemies Messengers.

8. None shall speake with a Drum or Trumpet, or any other sent by the Enemy, without Order, upon paine of punishment at discretion.

A sentinell asleep or drunk.

9. A sentinell or perdu found asleep, or drunke, or forsaking their place before they be drawn off, shall dye for the offence without mercy.

10.

Failing at the Rendevouz.

No man shall faile wilfully to come to the Rendevouz or Garrison appointed him by the Commander in Chief, upon paine of death.

11.

Remaining unrolled in the Army.

No man that carrieth Armes and pretends to be a Souldier, shall remaine three dayes in the Army without being inrolled in some Company, upon paine of death.

12.

Departing without leave.

No man that is inrolled, shall depart from the Army or Garrison, or from his Colours, without licence, upon pain of death.

13.

Out-staying a passe.

No Private Souldier shall out-stay his Passe without a Certificate of the Occasion under the hand of a Magistrate at the next Master, upon paine of losing his Pay during all the time of his absence.

14.

14.

He that abſents himſelfe when the ſigne is given to ſet the watch, ſhall be puniſhed at diſcretion, either with bread and water in Priſon, or with the woodden horſe. Abſenting from the watch

15.

Whoſoever ſhall expreſſe his diſcontent with his Quarter given him in Camp or Garriſon ſhall be puniſhed as a Mutineer. Diſcontented with their Quarters.

16.

No Officer of what quality ſoever ſhall go out of the Quarter to dinner or ſupper, or lye out all night, without making his ſuperiour Officer acquainted, upon Paine of caſheering. Lying or ſupping out of the Quarters.

17.

All Officers whoſe charge it is, ſhall ſee the Quarters kept cleane and ſweet, upon paine of ſevere Puniſhment. Keeping of the quarters clean.

None ſhall preſume to let their horſes feed in ſowne grounds whatſoever, or to endamage the husbandmen any way, upon ſevereſt puniſhment. Letting of Horſes feed in ſown grownds.

Of duties in Action.

1.

NO man ſhall faile immediately to repaire unto his Colours (except upon evident neceſſity) when an Alarum is given, upon Pain of death. Repairing to the Colours upon an alarm.

2.

No man ſhall abandon his Colours, or fly away in any Battell, upon Paine of death. Flying.

3.

If a Pikeman throw away his Pike, or a Musketier his Musket or Bandilier, he or they ſhall be puniſhed with death. Flinging away Armes.

4.

Burning and wasting.

No man shall Burne any House or Barne be it of friend or foe, or wilfully spoile any Corne, Hay or Straw, or Stacks in the fields, or any Ship, Boat, Carriage, or any thing that may serve for the Provision of the Army, without Order, upon paine of death.

5.

Flinging away Powder.

Whosoever in skirmish shall fling away his Powder out of his Bandiliers, that he may the sooner come off, shall be punisht with death.

6.

Imbezelling of the prey.

No Souldier shall imbezzell any part of the Prey till it be disposed of by the Commander in Chief, or others authorized, upon Paine of death.

7.

Concealing of Prisoners.

No Officer or Souldier shall ransome, or conceale a Prisoner, but within twelve houres shall make the same knowne to the Commander in Chief.

8.

Pillaging with out licence.

No man upon any good successe shall fall a Pillaging before licence, or a signe given, upon Paine of death.

9.

Retreating before handy-blowes.

A Regiment, or Company of Horse or Foot, that charg th the Enemy, and retreats before they come to handy-strokes, shall answer it before a Councell of War; and if the fault be found in the Officers, they shall be banished the Camp; if in the Souldiers, then every tenth man shal be Punished at discretion, and the rest serve for Pioners and Scavengers, till a worthy exployt take off that Blot.

Of the dutyes of Commanders and Officers in particular. I. AL

1.

ALL Commanders are straightly charged to see Almighty God reverently served, and Sermons and Prayers duly frequented. Commanders must see God duly served.

2.

All Commanders and Officers that finde any of discontented humours, apt to mutinize; or any swerving from direction given, or from the Policie of the Army set downe, shall straight way acquaint the Commander in Chief therewith, or other authorized, as they will answer their neglect. Acquainting the comander in Chiefe with dangerous humours.

3.

Any Officers that shall presume to defraud the Souldiers of their Pay, or any part of it, shall be cashered. Defrauding of souldiers pay.

4.

No Corporall, or other Officer commanding the Watch, shall willingly suffer a Souldier to go forth to a Duell, or Private fight, upon Paine of death. Stopping of Duellers.

5.

What Officer soever shall come drunke to his Guard, or shall quarrell in the Quarter, or commit any disorder, shall be cashered without mercy; and the next Officer under him shall have his place, which he may pretend to be his right, and it shall not be refused to him. Drunken and quarrelsome Officers.

6.

A Captaine that is careleſſe in the training and governing of his Company shall be displaced of his charge. Careleſſe Captains

7.

All Captaines or Officers, that shall out-stay their passe, shall be punished at the discretion of the Cõmander in Chief. Officers out-staying their Passe.

8.

All Officers to part quarrels.

All Officers, of what condition ſoever, ſhall have power to part quarrels and frayes, or ſudden diſorders betwixt the Souldiers, though it bee in any other Regiment or Company, and to commit the diſordered to priſon for the preſent, untill ſuch Officers as they belong unto are acquainted with it: And what Souldier ſoever ſhall reſiſt, diſobey, or draw his ſword againſt ſuch an Officer (although he be no Officer of his Regiment or Company) ſhall be puniſhed with death.

9.

Officers non-reſident in Garriſon.

A Captaine or Officer non-reſident in the place aſſigned him for Garriſon, without licence, ſhall have one months pay defaulked for the firſt offence, and two moneths for the ſecond: upon the third offence he ſhall be diſcharged of his Command.

10.

Caſheering of ſouldiers.

After the Army is come to the Generall *Rendez-vouz*, no Captaine ſhall Caſheere any Souldier that is inrolled, without ſpeciall warrant of the Commander in Chief.

11.

Muſtering of falſe and counterfeit Troops.

No Captaine of a Troop ſhall preſent in the Muſter any but reall Troopers, ſuch as are bound by their pay to follow the Troops upon paine of Caſheering, without mercie: And if any Victualler, Fee-booter, Enter-loper, or Souldier whatſoever, of any other Troop or Company, ſhall preſent himſelfe or his horſe in the Muſter, to miſ-lead the Muſter-Maſter, and to betray the Service, the ſame ſhall be puniſhed with death.

12. No

12.

No Provider, Keeper or Officer of Victuall or Ammunition shall imbezell or spoyle any part thereof, or give any false account to the Commander in Chief, upon paine of death. Commissaries must be true.

Of the duty of the Muster-Masters.

1.

No Muster-Master shall wittingly let any passe in the Muster, but such as are really of the Troope or Company presented, upon paine of death. Muster-masters conniving at counterfeits.

2.

All Captaines shall cause their Troopes or Companies to be full & compleat, and two dayes after the Generall Musteringe they shall send to the Commander in Chief, a perfect list or Rowle of all their Officers of their Troops and Companyes, and likewise of all the troopers & souldiers that are in actual service, putting down distinctly on the head of each man his monethly pay. Captains must send a Rowle of their men to the comander in chiefe.

3.

The like Rowle or List shall the Captaines send to the Commander in Chief, and to the Treasurer of the Army upon every pay-day during the service, with a punctual expression at the botome of the said Rowle, what new Troopers or Souldiers have been entertained since the last pay-day, in lieu of such as are either deceased or cashiered, and likewise the day whereon they were so cashiered & entertained. Every payday.

4. Which

4.

Subscribed by al the Officers of the Troop or Campany.

Which said List or Rowle shall be subscribed not onely by the Captaine and his Lieutenant and Cornonet or Ensigne, but also by the Serjeants and Corporals respectively, who shall declare upon their oathes that the Troopers and Souldiers enrolled in the said List are reall and actuall Troopers and Souldiers of the respective Troops and Companies. And whosoever shall be convicted of falshood in any of the premisses shall be cashiered.

5.

Muster Master must use no other Rowles.

No Muster Master shall presume to receive or accept of any Rowle to make the Musters by, but the forementioned Rowls, upon paine of the losse of his place and other punishment at discretion.

6.

Counterfeit names in the Rowles.

No man shall presume to present himselfe to the Muster, or to be inrolled in the Muster rols by a counterfeit name, or surname, or place of birth, upon paine of death.

of Victuallers.

1.

Victulers issuing naughty Victuals.

No Victuallers shall presume to issue or sell unto any of the Army, unsound, unsavoury, or unwholsome victuals, upon paine of imprisonment, and further arbitrary punishment.

2.

No Souldier must be a Victuler.

No Souldier shall be a Victualler without the consent of the Commander in Cheife, or others authorized, upon paine of punishment at discretion.

3. No

3.

No Victualler shall entertaine any Souldiers in his house, tent, or hut, after the warning-piece or other signes at night, or before the beating of the Ravalee in the morning. Unseasonable houres kept by Victuallers.

4.

No Victualler shall forestall any victualls, nor sell them before they be appraised by the Marshall Generall, upon severe punishment.

Of Administration of Iustice.

1.

All controversies between Souldiers and their Captaines, and all others, shall be summarily heard and determined by the Counsell of Warre, except the waightinesse of the cause require further deliberation. Summary proceedings.

2.

No Provost Marshall shall refuse to keep a prisoner committed to his charge; nor dismisse him being once received, upon paine of being liable to the same punishment which should have been inflicted upon the party dismissed. The Provost Marshall must looke to his Prisoners.

3.

The goods of such as die in the Army or Garison, or be slaine in the service, if they make any will by word or writing, shall be disposed of according to their will. If they make no will, then shall goe to their wives or next kinne. If no wife or kindred appeare within a yeere after shall be disposed of by the appointment of the Commander in Cheife according to the Lawes civill and military. Goods of the defunct.

4.

Civill Magistrates imprisoning Souldiers

No Magistrate of Towne or Country shall without licence imprison any Souldier unlesse for capital offences.

5.

For debts and other small offences.

In matter of debts or trespasse or other inferior cases, The Magistrate shall acquaint his Captaine or other Chiefe Officer therewith, who is to end the matter with the consent of the complainant, or to leave the party grieved to take his remedy by due course of law; The Commander in Chiefe upon complaint of the party grieved, will not onely see him righted but the Officer punished for his neglect in this behalfe.

6.

Braving the Court of Justice.

No man shall presume to use any braveing or menacing words, signes, or gestures, while the Court of justice is sitting, upon paine of death.

7.

Receiving of Run-awaies.

No Inhabitant of City, Towne, or Countrey shall presume to receive any Souldier into his service or conceale, or use meanes to convey such Runawaies, but shall apprehend all such and deliver them over to the Provost-Marshall.

8.

Detecting of offeaders.

All Captaines, Officers, and Souldiers shall doe their endevours to detect, apprehend and bring to punishment all offenders, and shall assist the Officers of the Army for that purpose, as they will answer their slackneſse in the Marshalls Court.

9.

Offences whatsoever to be punished by the Laws of Warre.

All other faults, disorders and offences not mentioned in these Articles shall be punished according to the generall customes and lawes of Warre.

And

And to the end that theſe Lawes and Ordinances be made more publike and knowne, as well to the Officers as to the common Souldiers, every Colonell and Captaine is to provide ſome of theſe bookes: and within a ſhort time after that the Army ſhall come to the generall *Rendezvouz*, theſe Lawes in every ſeverall Regiment, in the preſence of all the Officers are plainly and diſtinctly to be read by the Marſhalls of the ſeverall Regiments, or by ſome other Officer aſſiſted by the Marſhall Generall, in the Horſe-quarters by ſound of Trumpet, and amongſt the Foot by beat of Drumme; And weekely afterwards upon the pay-day, every Captaine is to cauſe the ſame to be read to his owne Company in preſence of his Officers. And alſo upon every maine Guard, the Captaine is to do the like, that none may be ignorant of the Lawes and duties required.

FINIS.

BY vertue of the authority given me by the Parliament, I command theſe Ordinances to be obſerv'd and obey'd in the Army: And by theſe preſents give order that the ſame ſhall be forthwith printed and publiſhed.

Given under my hand this 18th of Iune, 1647.

MICHAEL IONES.